

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.: 5:17CR492
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
v.)	
)	
ANDRE BOWERS,)	<u>RESPONSE TO DEFENDANT'S MOTION</u>
)	<u>TO CONTINUE SENTENCING</u>
Defendant.)	

Now comes the United States of America, by and through its counsel, JUSTIN E. HERDMAN, United States Attorney, and Aaron P. Howell, Assistant United States Attorney, submitting its Response to Defendant's Motion to Continue Sentencing Hearing, filed at ECF Doc #93, Page ID# 522-23.

The United States does not oppose the Defendant's Motion to Continue the Sentencing Hearing because the Defendant believes that he needs more time to prepare for sentencing. The Defendant is correct that the Solomon¹ case is currently pending before the Sixth Circuit.

The United States does not believe that the First Step Act has any impact on the Defendant's case. The United States also believes that the Defendant's prior felony conviction

¹ The parties have submitted briefs to the Sixth Circuit, *see* USA v. Juaquene Solomon, Court of Appeals Docket #: 18-3058.

for domestic violence in Ohio is a predicate offense as a crime of violence. In United States v. Gatson, 776 F.3d 405, 410 (6th Cir. 2015) (Ohio's domestic violence statute), the Sixth Circuit held that a conviction under Ohio's domestic violence statute qualifies as a predicate offense. See also United States v. Williams, 655 F. App'x 419, 422 (6th Cir. 2016) (applying Gatson).

The United States does not oppose the Defendant's Motion but the United States will be ready to proceed to sentencing if the Court denies the Defendant's Motion.

Respectfully submitted,

JUSTIN E. HERDMAN
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of February, 2019 a copy of the foregoing document was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Aaron P. Howell

Aaron P. Howell
Assistant U.S. Attorney